

RNB/NTS/ckc

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) PEDERNAL PROPERTIES, LLC,

Plaintiff,

v.

(1) MARSH USA, INC.,
(2) MARKEL AMERICAN INSURANCE
COMPANY,
(3) MARKEL SERVICE, INCORPORATED

Defendants.

Case No.: 22-CV-00151-TCK-CDL

NOTICE OF REMOVAL

**TO THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA:**

Defendants, Markel American Insurance Company (“MAIC”) a corporation organized under the laws of Virginia, and with its principal place of business in Virginia, and Marsh USA, Inc. (“Marsh”), a corporation organized under the laws of the State of Delaware with its principal place of business in the State of New York, pursuant to Title 28 U.S.C. §§1441 and 1446 file this Notice of Removal, thereby removing the action filed against it by plaintiff Pedernal Properties, LLC, (“Pedernal”) from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma.

1. MAIC and Marsh remove an action filed against them by Pedernal in which the matter in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and is between citizens and a business entity of different states. [Exhibit 1, Petition, ¶¶ I, II, III, IV, and VI]. As such, this case is removable pursuant to Title 28 U.S.C. §1332(a) and Title 28 U.S.C. §1441(a).

2. Pedernal is a limited liability company organized under the laws of the State of Oklahoma, with its principal place of business in the State of Oklahoma. Pedernal's sole member is Flintco Holdings, LLC, a limited liability company organized under the laws of the State of Oklahoma, with its principal place of business in the State of Oklahoma. Flintco Holdings, LLC's sole member is Robin Flint Ballenger, the third-generation owner of The Flintco Companies and a citizen of the State of Oklahoma who resides in Tulsa County, Oklahoma. Therefore, Pedernal is a citizen of the State of Oklahoma.

3. MAIC is a corporation organized under the laws of the Commonwealth of Virginia, with its principal place of business in the Commonwealth of Virginia.

4. Markel Service, Incorporated ("MSI") is a corporation organized under the laws of the Commonwealth of Virginia, with its principal place of business in the Commonwealth of Virginia. MSI was originally named as a defendant, but was dismissed from this action without prejudice on March 25, 2022, and is no longer a party to this action.

5. Marsh is a corporation organized under the laws of the State of Delaware with its principal place of business in the State of New York.

6. Accordingly, the parties are diverse. As the amount in controversy exceeds \$75,000.00, the case is removable pursuant to Title 28 U.S.C. §1332(a) and Title 28 U.S.C. §1441(a). [Exhibit 1, Petition, ¶ VI]. Pedernal is also claiming punitive damages.

7. Pedernal filed its action against MAIC on February 28, 2022, in the District Court of Tulsa County, Oklahoma. MAIC was served through the Oklahoma Insurance Commissioner on March 4, 2022, MSI was served via its registered agent The Corporation Company on March 8, 2022, and Marsh was served via its registered agent The Corporation Company on March 4, 2022, therefore this removal is timely pursuant to Title 28 U.S.C. §1446(b). A copy of the Petition, the

Oklahoma State Insurance Commissioner correspondence to MAIC, and The Corporation Company correspondence to MSI, are attached pursuant to Title 28 U.S.C. § 1446(a). [Exhibit 1].

8. Pursuant to LCvR 81-2, a clearly legible copy of all documents filed or served in the action, as well as the docket sheet of the District Court of Tulsa County, Oklahoma, are attached. [Exhibits 1-5].

9. Pursuant to Title 28 U.S.C. § 1446(b)(2)(A), counsel for defendant Marsh USA, Inc. has been contacted and Marsh USA, Inc. consents to and joins the removal of this action.

10. A copy of this Notice of Removal will be filed with the District Court for Tulsa County, Oklahoma.

WHEREFORE, defendants Markel American Insurance Company and Marsh USA, Inc., hereby remove the action filed by Pedernal Properties, LLC from the District Court of Tulsa County, Oklahoma, to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 1st, 2022, I electronically transmitted the above and foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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